

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE CITIBANK AUGUST 11, 2020 WIRE :
TRANSFERS :
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20-CV-6539 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

Defendants have moved to compel production of certain discovery, *see* ECF No. 63, and for an eight-week extension of the current schedule, *see* ECF No. 62.

Upon review of the parties' letters, the Court resolves the discovery disputes as follows:

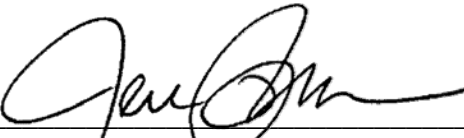
- Defendants' motion to compel is granted with respect to Request for Production 1(i), subject to any objection by the OCC or other relevant regulators — the owners of any potential privileges. No later than **September 16, 2020**, Citibank shall serve a copy of this Order and the parties' submissions on the OCC and any other relevant regulators — and file proof of such service. If any of the regulators object to Citibank's compliance with the Request for Production, it or they shall file a letter with the Court, by emailing the letter to Furman_NYSDChambers@nysd.uscourts.gov (to be docketed thereafter), no later than **September 18, 2020**. Absent any such objection, Citibank shall promptly comply with the Request for Production. In the event of an objection, Defendants shall file any response by **September 21, 2020**.
- With respect to Requests for Production 3, 4, and 5, the Court is unpersuaded that the materials sought are relevant to the issues in dispute in *this* proceeding — namely, whether the transfers were made by mistake and whether the discharge-for-value defense applies. To the extent that they are relevant, the Court concludes on the present record that the burdens of producing them would be disproportionate to the needs of the case. If depositions or other documents reveal any basis to conclude otherwise, Defendants may renew their motion (after conferring with Plaintiff).
- The parties' briefing on the relevant custodians is inadequate for the Court to decide the issue or even confirm that there is a dispute to resolve. That is, the Court has no basis to determine if anyone on the business side of Citibank other than Brendan Zeigon and Justin Tichauer has any relevant information. (Citibank, for its part, doesn't even address the custodian issue.) Accordingly, the motion to compel with respect to custodians is denied without prejudice to renewal in a manner sufficient for the Court to resolve any dispute.
- The parties shall use July 1, 2020, as the relevant start date for requests for production.

With respect to Defendants' motion for an extension, the Court extends the deadline for completion of discovery to **October 9, 2020**. Otherwise, the Court is not persuaded on the current record that there is a basis or need for extension. Accordingly, all other dates and deadlines remain in effect for now.

The Clerk of Court is directed terminate ECF Nos. 62 and 63.

SO ORDERED.

Dated: September 14, 2020
New York, New York



JESSE M. FURMAN
United States District Judge